

**UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: FRANCIS D MILLER

CHAPTER 13

Debtor(s)

CASE NO: 1-17-01654-HWV

JACK N. ZAHAROPOULOS  
CHAPTER 13 TRUSTEE  
Movant

vs.

FRANCIS D MILLER

Respondent(s)

**TRUSTEE'S MOTION TO DISMISS CASE**

AND NOW, comes Jack N. Zaharopoulos, Esquire, Standing Chapter 13 Trustee, through his attorney, Douglas R. Roeder, Esquire, and brings this Motion to Dismiss Case, a statement of which follows:

1. Debtor(s) filed the above case on April 21, 2017.
2. The plan obligates Debtor(s) to make monthly payments to the Trustee.
3. The Trustee filed Motions to Dismiss Case for Material Default due to non-payment of these monthly payments on the following dates - **08/14/2018, 03/11/2019, 09/09/2021**
4. Debtor(s) cured each of these defaults prior to the scheduled hearing and therefore avoided entering into a stipulation to maintain timely payments.
5. Debtor(s) is currently 3 months in default with arrearages of \$6,479.24 through, along with their current regular monthly payment of \$2,260.00, through May 19, 2022. The total arrearage amount therefore due is **\$8,739.24.**
6. The non-payment of Debtor's plan obligation is
  - a. a material default with respect to the confirmed plan; and
  - b. an unreasonable delay by Debtor that is prejudicial to creditors.
7. Dismissal of the case is in the best interest of the creditors and the estate.

8. Notice of hearing and other instructions are included with this Motion.

WHEREFORE, the Standing Chapter 13 Trustee requests this Court to dismiss the above case.

Dated: May 19, 2022

Respectfully submitted,

/s/ Douglas R. Roeder, Esquire  
ID: 80016  
Attorney for Movant  
Jack N. Zaharopoulos  
Standing Chapter 13 Trustee  
8125 Adams Drive, Suite A  
Hummelstown, PA 17036  
Phone: (717) 566-6097  
Fax: (717) 566-8313  
eMail: droeder@pamd13trustee.com

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**NOTICE**

NOTICE IS HEREBY GIVEN THAT Jack N. Zaharopoulos, Standing Chapter 13 Trustee for the Middle District of Pennsylvania, through his attorney, Douglas R. Roeder, Esquire, has filed a Motion to Dismiss for failure to make timely payments pursuant to your Chapter 13 Plan.

YOU ARE HEREBY NOTICED that a HEARING with the Court has been scheduled on this motion. Any matters not resolved shall be heard at the dismissal hearing.

June 15, 2022 at 09:35 AM  
Bankruptcy Courtroom  
Ronald Reagan Federal Bldg.  
3rd Floor, 228 Walnut Street  
Harrisburg, PA 17101

YOU ARE FURTHER NOTICED that you MUST attend the dismissal hearing unless one of the following takes place.

1. You have entered into a valid stipulation with Trustee Zaharopoulos and that stipulation has been filed with the U.S. Bankruptcy Court.

2. You have filed a voluntary conversion to Chapter 7 or a voluntary case dismissal with the U.S. Bankruptcy Court and have served a copy of that motion upon Trustee Zaharopoulos.

**FAILURE TO COMPLY WITH THE ABOVE WILL RESULT IN YOUR CHAPTER 13 CASE BEING CALLED FOR DISMISSAL HEARING WITH THE COURT ON THE DATE AND TIME AS SPECIFIED IN THIS NOTICE. THIS MAY RESULT IN DISMISSAL OF YOUR CASE.**

Dated: May 19, 2022

Respectfully submitted,

/s/ Douglas R. Roeder, Esquire  
ID: 80016  
Attorney for Movant  
Jack N. Zaharopoulos  
Standing Chapter 13 Trustee  
8125 Adams Drive, Suite A  
Hummelstown, PA 17036  
Phone: (717) 566-6097  
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**CERTIFICATE OF SERVICE**

I certify that I am more than 18 years of age and that on May 19, 2022, I served a copy of this Motion to Dismiss, Notice and Proposed Order on the following parties by 1<sup>st</sup> Class mail from Hummelstown, PA, unless served electronically.

NICHOLAS G PLATT, ESQUIRE  
MOONEY LAW  
230 YORK STREET  
HANOVER, PA 17331-

Served electronically

FRANCIS D MILLER  
1461 ROHLERS CHURCH ROAD  
DOVER, PA 17315

Served by 1<sup>st</sup> Class Mail

United States Trustee  
228 Walnut Street  
Suite 1190  
Harrisburg, PA 17101

Served electronically

I certify under penalty of perjury that the foregoing is true and correct.

Date: May 19, 2022

/s/ Matt Arcuri  
for Jack N. Zaharopoulos, Trustee  
Suite A, 8125 Adams Dr.  
Hummelstown, PA 17036  
Phone: (717) 566-6097  
eMail: info@pamd13trustee.com

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**ORDER DISMISSING CASE**

Upon consideration of the Trustee's Motion to Dismiss, it is hereby Ordered that the above-captioned bankruptcy be and hereby is dismissed. The Court retains jurisdiction to rule on any timely filed fee application.